

Hampton Board of Selectmen
Approved Minutes of April 30, 2012

PRESENT: Richard Griffin, Chairman
 Richard Nichols, Vice Chairman
 Michael Pierce, Selectmen
 Ben Moore, Selectmen
 Philip Bean, Selectmen
 Frederick Welch, Town Manager

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

SALUTE TO THE FLAG

I. Acceptance of Personal Property Donated – RSA 31:95-e

1. Committed Customs Sign Company Donation of a Recycling Sign

Mr. Welch explained that the Board has received a copy of the sign that is to be donated and displayed at DPW. This will be at no cost to the Town with the hope of increasing the awareness of recycling.

Discussion

Mr. Pierce questioned if they would be getting all the signs that have been shown and Mr. Welch stated the pictures they have is so that the Town can choose which one. He feels Keith and the Recycling Committee should make the choice.

Mr. Nichols MOTIONED to accept the donation by Committed Customs Sign Company of the Recycling Sign. Chairman Griffin SECONDED.

VOTE: 5-0-0

II. Public Comment Period

Timothy Jones, 16 Dustin Ave, thanked the Board for the meeting last week with the Legislatures. He is here to ask the Board for an appointment at their meeting next Monday to discuss public discourse especially with regard to public comment. Mr. Welch stated that the Board could put him on right now and he can follow up with Kristina later.

III. Announcements and Community Calendar

Mr. Pierce reminded everyone that the Recycling Committee is still looking for some new members.

Mr. Nichols does not have a public comment but more of a request since there is 35 abatements on the Consent Agenda and Ed Tinker is here now he would suggest that these abatements be discussed first so that Ed can get home.

Discussion with Mr. Tinker on the 35 abatements on the Consent Agenda

Mr. Tinker explained that the 2011 abatement season is here, he is starting to reply to them, make decisions and bringing them to the Board as recommendations. Tonight he has the first 35 abatements for the Board if anyone has any questions regarding the list he will answer them now.

Mr. Nichols wonders how many abatement requests total were there for 2011 and it was 100 abatement requests. Mr. Nichols asked given that there was a revaluation in 2011 what type of an indicator was that in regards to the 100 abatement requests. Mr. Tinker thinks it is a very good indicator and that values are very equable because of the revaluation. Mr. Tinker stated that typically, you see 300 to 400 requests and they come either from data corrections or because of a valuation. This time they saw many data corrections and that was very encouraging to see only 100 of them. Mr. Nichols pointed out that there are roughly 9400 properties so that is essentially only 1%. Mr. Nichols also stated that in Portsmouth recently when there was a revaluation there were substantially more around 4 or 5%. Mr. Nichols asked Mr. Tinker to explain the seven of the 35 that had to do with the Precinct specifically the exempt properties. Mr. Tinker explained that every year they receive requests to be in the exempt class and those requests are presented to the Precinct Commissioners. The exempt class is a lower rate based on residential use. He reminded the Board that two years ago, letters were sent to all properties in the Precinct, this was not done last year, and it is believed that the residents did expect to receive these letters. It was not done because there was not a request from the Precinct to do this. In 2011, there were only 263 and over 700 requests in 2010 and this year there are around 307.

Mr. Pierce wonders what the requirement is for a taxpayer in the Precinct to make sure he receives this allowance. The form must be submitted by April 15 to either the Town or the Precinct. Mr. Nichols stated the problem is when the statute was passed in the early 1990's it was stated that it must be filed for every year and this has been looked at by both Atty. Gearreald and Mr. Welch and this is the way that it has to be done.

Mr. Moore pointed out that the 35 abatements total just over \$16,000.

Mr. Nichols MOTIONED to approve the 35 abatements as recommended by the Assessor. Mr. Pierce SECONDED.

VOTE: 5-0-0

IV. Appointments

1. Dyana Martin
 - a. Parks and Recreation Department Update

Mrs. Martin provided the Board with the Spring/Summer brochure. This is there busy time preparing for what goes on in their department for the summer. She provided an update on each group that works under her department.

Parks Maintenance: Began to work the first week in April. They have brought the Tuck Building back up and repaired after it was vandalized. Other tasks they have completed included: clean up of all parks, work at the gazebo, sign replacement, inspected playgrounds, LGC inspected Kids Kingdom, designed new parking area at Tuck, and repairs to concession stands.

Parking Lots: Opened even earlier this year for concerts, which seem to start earlier each year. The Ashworth Lot opened on March 22nd this year. The lots have been open a total of 3 days so far with revenue totaling over \$4,000. In the process of staffing the lots for the summer and will train at the end of next month.

In Recreation: They have spent hours scheduling the fields for softball, baseball, tennis, and soccer. They have started interviewing camp staff. In sports co-ed softball starts next week, K-2 sports are finishing up. They had the biggest Easter egg dig yet. They have had several successful trips to Foxwoods and other locations recently. They have Red Sox tickets for \$115, which includes bus ride. She discussed several programs that have been added, which can be found on the website.

In Lifeguards: They have three returning staff and have sent out a few applications. There was a discussion on how we used to get lifeguards through the State but that is not the case anymore. She also talked about signs at the Town beaches.

Other Items: They have received \$14,000 in donations for the sale of the beach decals for scholarship money. She and Rene have worked through the applications so far and have awarded \$8,000 already. They received \$1,000 from Tobey & Merrill Insurance after the Tuck Field vandalism. They received \$1,500 from Mogul Sports to offset the cost of the Easter Egg Dig and received a cookie basket from Cookies by Design. She also listed out several other donations they received, which enable the Fishing Derby to be free again. There was an in-kind donation made and as a result, the gazebo roof was painted. There were also several donations for the Tree Lighting and she listed them out for the Board.

Discussion

Mr. Moore added that Bob was able to repair some flashing that had blown off the Cave Building. Mrs. Martin stated that Nathan Page also donated time and money to make these repairs last weekend.

Mr. Bean stated it is a great department, great leadership, and great brief.

Mr. Nichols complimented Dyana and her staff for opening the parking lots early. He thinks it is extraordinary how much they have raised from the selling of the parking/dump stickers. Mr. Nichols wonders how much the tickets are for the Red Sox game. Mrs. Martin believes that the cost for the bus is around \$10 or \$15 so the remainder would be the cost of the ticket.

Chairman Griffin would like to congratulate her on the good job she does and has done for many years. He also stated how popular the Billy Elliot Show is and how he is sure it will sell out.

V. Minutes of April 16, 2012

Page 3 – 4th paragraph, line 14, change the word “like” to “to”.

Page 6 – 1st paragraph second to last sentence delete the following “entities such as State”.

Page 6 – last paragraph, 12th line add the word “loss” after the word “stop”.

Page 9 – 4th paragraph, 8th line delete the following “The fine is only \$50 and the Chief is of the opinion of why participate in something that you cannot even do anything with” and add “The fine is only \$50 for littering and the Chief is of the opinion that it is not fiscally responsible to enforce at that sum, without revenue sharing and increasing the fine amount”. Same paragraph, 12th line change the word “schools” to “Towns”.

Mr. Nichols MOTIONED to Approve the Minutes of April 16, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

Minutes of April 10, 2012

Approval of the first page – Public portion.

Mr. Nichols MOTIONED to Approve the Minutes of April 10, 2012 as submitted. Mr. Moore SECONDED.

VOTE: 5-0-0

VI. Town Manager’s Report

1. The Town has received notice from Appledore Marine Engineering representing the Pease Authority, Division of Ports and Harbors that a standard dredge and fill application for the dredging of the harbor and navigation channel. Approximately 81,600 cubic yards of sandy material will be removed from the harbor and 3300 cubic yards from the navigation channel. The dredged material will be placed on Hampton and Seabrook Beaches except for 2600 cubic yards that will be placed on middle ground. Dredging of the inner harbor will be between October 15 and February 1, the navigation channel will be dredged between October 15 and March 15, and work in receiving the material for the beaches will occur between October 1 and March 15.
2. Checks totaling \$107,273.45 were issued this week for the annual sewer abatement and included interest for a past error in calculations.
3. A bid was awarded for tree services and work for 2012 through 2014 to the low bidder Urban Tree Service. Three bids were received and Urban was the low bidder in all 14 categories.
4. The Board is advised to keep a watchful eye on the property tax exemptions being granted by the Department of Environmental Services to Seabrook Station for pollution control exemptions. Totalling up to \$433,629.00 dollars, we will sustain an increase in the State School Tax Rate in 2012.
5. The Board should note that the expenses related to the recent memorial services are being paid by the Town of Greenland, the NH Police Chiefs Association and several other organizations.

Other reported items

The Police Department will be conducting small arms training at the small arms range behind the DPW on May 1st, 3rd & 4th for 9 AM-7 PM, on May 5th 9 AM-8 PM, and on May 12th 9 AM-7 PM.

They awarded a bid for the reconstruction of Fairfield Drive, Ruth Lane, and Belmont Circle to F&S Construction LLC, lowest of three bids. The bid range was between \$477,000 to the bid for \$245,500.

Moulton Road has been postponed as the bid came in approximately \$100,000 over the amount appropriated. This will be rebid later.

Discussion

Mr. Pierce asked about the sewer abatement interest checks. Mr. Pierce confirmed with Mr. Welch that the checks that were sent out included interest for the error in calculations for 2008, 2009 and 2010 along with the amount for the 2011 abatement. Mr. Nichols stated it was his understanding that this amount was for the 2011 abatements and the other amounts are still being calculated. The Board will get confirmation on this for next week.

It was explained that the bid awarded to Urban Tree Service would be paid by the project and when it is large, it will be bid if over \$5,000.00 and the small projects will be paid at an hourly rate. Mr. Nichols stated that this was discussed in great detail and decided by a previous Board that this is the way it would be handled.

Mr. Pierce brought up the road race that they had in memory of Chief Maloney.

Mr. Moore brought up a concern from a resident in regards to the minutes being posted on the website in a timely manner and whether or not draft minutes are posted. Mr. Nichols commented that he looks at the minutes frequently and Kristina does a good job of keeping them up to date. Mr. Moore wonders why the new website has not gone live yet and he shared some information/complaints he received about the website at a meeting he attended. Mr. Nichols thinks that there is a lot more work is involved in having what was brought before the Board actually appear and happen. Mr. Moore thinks it might be helpful to talk to Paul to see how long this is going to take.

Mr. Moore has not received an email yet from the Fire Chief in regards to the NIMS training discussed last week. Mr. Moore mentioned a memo to the Board in regards to Casella and a rate of \$12.50 per ton. Mr. Welch stated that is not set in stone yet but they should know more later this week once we hear what is going to happen with the site in Concord. They discussed the possibility of being a regular customer with Casella and the increased revenue this would create. They also discussed the amount they pay to dispose of waste.

Mr. Nichols brought up that they received a copy of National Pollutant Discharge Elimination System Annual Report, which is essentially a report by the Town on the Town sewer. He brought up the following issues in the report: hire someone to evaluate the sewer on Tide Mill Road and how this area was just paved a year ago and the procedure of evaluating infrastructure before paving. Mr. Welch touched on evaluating areas before paving and he shared how the Board ordered them to pave Tide Mill Road and he discussed existing problems with sewer in this area at the time. Mr. Welch stated that it is his procedure to do an area soup to nuts at the same time, which includes sewer, drains, and paving. He also reminded everyone of the many problems with the piping/drains throughout the Town. He stated the plans going forward, the problems with infiltration in the Fairfield area and how Moulton Road is the longest project they have in the works for this year. He explained the plans they have in place going forward and how it is a multiple year process to complete any one street/area. Mr. Nichols brought up the money budgeted for Fairfield and

how it came in higher than what was budgeted and Mr. Welch broke down the cost for Fairfield, Belmont, and Ruth. Mr. Nichols commented a second issue in the report mentioned above was in regards to a chart on the infiltration and it blew his mind how high the percentages were for the amounts of infiltration going into the sewer plant. He thinks there needs to be a program to address what is behind these high numbers and possibly address the really heavy hitters. They discussed the impact rain has on these percentages. They also discussed the illegal use of sump pumps and the equipment that has been put into place to detect the areas where this might be happening and how a camera can be used to identify these locations. Mr. Welch also brought up smoke test and problems with these such as filling houses with smoke. Mr. Nichols asked for some kind of report that DPW might have in regards to the certain areas that this might be happening. He believes that if we start to catch people maybe others will stop for fear of being caught. Mr. Welch stated that the Westside streets are under water and he thinks that is partially the reason we see such large numbers in infiltration. They also discussed the 80% capacity and what happens if they reach that amount. They discussed the need to find the infiltration that is entering the system illegally. Mr. Moore is not sure how we can do this since we cannot enter someone else's property but Mr. Welch stated that we could by obtaining an administrative search warrant under Federal law. Mr. Welch stated this could also be done by placing a camera in the sewer line. Mr. Moore does not think that we should stop replacing the clay piping and Mr. Nichols agreed. Mr. Welch brought up the areas that they know are high water areas. Mr. Pierce brought up some other areas of high water and how when people in this area put in pools and have to put a pump in first under their pools for this reason. He wonders how you are going to catch all these people and Mr. Welch stated that you have to get a permit for a pool and that is how they would locate a pump. Mr. Welch pointed out that if the water is being pumped into the drain in the road that is fine the problem is if they go into the sewer. Mr. Moore brought up the drainage plan of 20 years ago or so and it was actually 1985. Mr. Nichols pointed out that this is not something they will solve in a night but he is more comfortable now that Keith is on board. He does still believe that some plan needs to be in place to identify illegal use of items such as sump pumps disposing into the sewer lines. Mr. Moore brought up the pump stations and identifying can be done through this measure possibly.

Mr. Nichols asked for an update from DRED. Mr. Welch saw an email today and it is sitting on the Communication Director's desk and should be coming back to Hampton tomorrow.

Mr. Bean would like to go back to item #4 DES granting Seabrook Station property a tax exemption with the Town of Hampton. He asked how much this is to Hampton and Mr. Welch was given a figure of \$433,629,000 that would come off the assessed value of Seabrook Station. Mr. Nichols thinks it will be around a ½ million dollars to the Town of Hampton. Mr. Bean commented that when you combine this with the deficit from the State we are talking about \$1.5M revenue lost which is about 10% of the budget. The math is getting real fuzzy and this is a huge concern to him. We need to be aggressively and vigorously pursuing remedies and corrective actions. He would like to talk about in particular what the Town is prepared to do, the DES report came out nearly a year ago and asked Mr. Welch to share some options. Mr. Bean did attend a Nextra meeting about a week ago with Mr. Nichols with some businessmen from Florida on this and according to them; the plant is running in the red. Mr. Welch does not believe the plant is running in the red, the last he knew they were making about 244 million dollars a year. The problem that is

happening here is the legislature has passed a statute that allows these exemptions to take place and it backs up a federal program for which the State receives zero, this goes to pollution prevention and to a credit for all utilities that go towards pollution prevention so called. The effect on all this is zero to the State but instead to the property owner since that is where the exemption rest and we get it twice because we get it for the Town and the County and State school tax. Somebody in Concord needs to smarten up and say we cannot keep on taking all this money away because there is no money to take. Someone has to start repealing some of the grab bag efforts that they have in Concord that come down to the cities and towns. It is as blunt as that and no one up there seems willing to do that. He did mention that our Senator did try to do something with Rooms & Meals Tax but no one would support it, the money will continue to come from our taxes, and Concord is making it worse not better. Mr. Bean stated that it appears to him that there is arising a perfect storm in terms of their efforts at the beach with municipal services and this incident here where we are getting very close to 10% of our budget that is unreimbursed or now double or triple penalized as Mr. Welch stated. Just as we are very interested in these sewer issues, these other two issues are just as pressing and the Board really needs to commit to an action. He spoke again about identifying the matrix of what we are doing for the State and this needs to be done sooner than later. In regards to the ½ million with DES he wonders if we have any rights of rebuttal or petitioning the State with our assessor performing an assessment challenging the DES report/opinion that it's a pollution device. Mr. Welch commented that there is a case pending in the Supreme Court that has been tried and he described the case in further detail for the Board. Mr. Welch and Atty. Gearreald have discussed this and he has gone to Concord to review the Supreme Court docket on this case. We also need to encourage our legislators to legislate some of these things. The State is taking away funding for Sewers and SRF, as there is no money left, they are spending it elsewhere. Mr. Welch provided several examples of how the State is spending money elsewhere and not taking care of our citizens. Mr. Welch stated that it is the job of this Board to fight things like this even if that means going to court. The water is boiling and it needs to be taken care of before it evaporates. He shared how it might be a good idea to have a seacoast selectmen's organization, which he has seen happen in other parts of the State, to put pressure on Concord and he believes that they will listen then. Mr. Bean thanked Mr. Welch and wonders when he will have the standardized matrix from the department heads and Mr. Welch hopes to have an estimate in 30-days. Mr. Bean thinks that Nextra exemption is a huge issue and we need to take care of that now.

Mr. Nichols stated that the exemption that Mr. Welch referred to is very different from the issues with the State. This exemption has already been deducted from the appraisal by the State and the 26% reduction has already been taken in Hampton. The problem is that they want to reduce the values on the exemptions with DRA. Mr. Welch stated that one thing that needs to be done is to have an appraiser come in and appraise the utilities in Town. Mr. Nichols informed the Board that Mr. Tinker has a meeting with an appraiser tomorrow.

Mr. Bean would like it if the Assessor addresses these specific issues at next week's meeting. Mr. Tinker would attend next week's meeting.

VII. Old Business

1. Authorization of Chairman to sign "Sustainable Communities Initiative" Regional Planning Program Partnership

Mr. Welch stated that the Town had sent a supporting letter had been set, a grant has been issued, and he explained what it was for. Mr. Welch stated this is something that needs to be done and we need to join with the surrounding Town's on this, in order to develop an overall strategy.

Discussion

Mr. Pierce felt that we already have an organization in place to perform these functions and we are just doing it over again and we are paying for that so what we are getting out of this that we are not already getting. Mr. Welch stated that there is no money involved from the Town what so ever. Mr. Welch also explained that this whole thing is a result of the legislature trying to repeal the entire regional planning commission for the State of NH. They discussed how it is so embedded that you cannot distinguish the State portion from a Town/City and he provided some examples. Mr. Pierce stated that so what we are really doing is redefining the RPC but he still does not understand the matching funds/contributions or where the money is coming from on either side. Mr. Welch stated that this is being done on a grant and the Cities and Towns are not being asked to do anything as far as finances are concerned but instead being asked provide knowledge and people such as the Town Planner to help with this. Mr. Nichols did point out that we do pay dues, which is probably being used here. Mr. Pierce expressed concern with the money disappearing after this program. Mr. Moore pointed out that this is how these types of agencies work.

Mr. Nichols has read this several time and he still did not understand anything, he read. He read some bullets from the plan for the Board. Mr. Welch stated that the regional planning communities were established in the 30's. One other thing that Mr. Nichols did not get is how the healthy eating active living fits into this plan. Mr. Moore suggested that maybe that is walking trail, etc. Mr. Welch stated that this is something the Board wanted to send in endorsement for last year and if the Board wishes to continue to support this, they can authorize the Chairman to sign at no financial obligation to the Town.

Mr. Bean MOTIONED to authorize the Chair to sign "Sustainable Communities Initiative" Regional Planning Program Partnership. Mr. Moore SECONDED.

VOTE: 4-0-1(Nichols)

2. 2012 Selectmen's Goals

Mr. Moore started with the Hazard Mitigation Plan and the importance of looking at some of the plans like this and the CIP and the importance of reviewing and following through with these plans and others that the Town has, and making sure we are acting on them. He expressed the importance of following through with the warrant articles that are major costly items and ensure there are monies for them. He would like to have LGC come down and have an evening forum on the types of governments that are available to citizens in this State. He would also like to see the information on other types of government and keeping a watchful eye on the CIP.

Mr. Nichols shared the report he provided to the Board in regards to financial goals, the first one is to achieve a flat municipal tax rate of 7.13, bring it to 19.93 for 2012 by using the Undesignated Fund Balance (UDFB) (2.4-2.5 million). Mr. Moore would not be uncomfortable when we get to September to use any amount that might be forecasted as year-end savings to offset the current tax rate, but he has issues with using the UDFB from

prior years to offset taxes; he likes that we do have been close to zero in borrowing TAN's in the last few years, so he would suggest maintaining a bit more than the minimum suggested by DRA; and the Seabrook valuation/exemption, it may be difficult to take that hit as we do not know how that will affect the total taxes, it would be a big hurdle to keep the rate the same with that unknown, and lastly we should be using UDFB to offset the costs of the larger projects underway. Mr. Nichols disagrees and agrees with some of what Mr. Moore has said and that it is a decision to be made in September before the tax rate is set in October. He would look for a way to articulate this in the goal and he will work this into the wording of the goal. Mr. Moore stated it is better to see an increase in the tax rate at a slower rate as opposed to adding 10 cents all at once.

The second point Mr. Nichols is to give direction to the Town Manager regarding the preparation of the 2013 Operating Budget (OB), to limit increases to 2% over the 2012 Default Budget (DB). Some things that have to be factored are the impact of the CBA's that passed, health insurance and retirement rates. There was a discussion on NHRS rates and health insurance increases. Mr. Nichols is not in favor of adding much more to the OB than the three items discussed since they represent some fairly substantial increases. His is now getting into his personal feelings; that we do not add more than those things into the budget, we also have to stop doing things that don't necessarily make sense, that we need to look for opportunities out there to reduce for example, that there soon will be a proposal coming from a department head to not fill a position and a few others. Mr. Moore mentioned that those three heavy hitters are items in the default budget that Mr. Nichols brought up and can see no reason why Mr. Schwotzer could create a default number with assumptions and should be able to give it to the Board fairly soon. Mr. Moore prefers that we give direction to the Town Manager of this goal that is geared to the DB. Mr. Nichols suggested they leave this alone for now until Mr. Schwotzer can get back to them with what type of increases there might be. Mr. Moore shared some more thoughts on what they might include in the goal concerning the budget for 2013. Mr. Pierce stated that what they are saying is let's go with the DB amount. Mr. Moore thinks the voters were very good to us last year and he thinks there is more to be invested in the way of infrastructure and the possibility keep the budget a little tight. Mr. Nichols pointed out that with the warrant articles that passed and a 2% increase in budget the increase in the tax rate by the year 2016 is roughly 13%. Mr. Nichols believes that there is a better way to get a handle on what is in the budget to keep up with and organizing the infrastructure needs.

Mr. Moore would like to get the Town Manager's view on staying to the default budget and saving here and spending there, is it practical. Mr. Welch looks at the DB as the safe guard that is the base; it is the only thing that can be calculated at this moment. The DB is used as a yardstick to begin the process, since we do not know what the next year's budget will be like and the budget will be different, they will not be the same. What Mr. Welch is hearing is that they want a tight budget using the DB amount as the yardstick, as an established figure to plan from, as it is the minimum and the maximum you will have. Mr. Pierce likes the idea of finding some cost savings to help with infrastructure items. Mr. Moore asked of Mr. Nichols is he ok that the goal is to have the 2013 OB be limited to the amount of the default budget. Mr. Nichols thinks it is important to see the amount of the DB before setting the goal completely. The Board would like to see the DB information hopefully by May 21st. The third piece of the goal is in regards to the CIP, which does not have an amount but more of a planning step and bringing the Hampton Schools SAU90 into the plan. He thinks it is

important to come up with if we do all this it will cost this amount. Mr. Bean thinks it is important that they include SAU21 also. This is to be more of a planning tool to see the impact of the tax rate based on the CIP for both the Town and schools. They discussed if the schools have a representative on the CIP committee. Mr. Pierce wonders if we should invite a representative from Winnacunnet to the CIP and that is not the job of this Board.

The second objective Mr. Nichols wrote up was in regards to the improvement the procurement process, which he read for the Board. He thinks that if they simply follow the existing purchasing policy they will meet those objectives. Mr. Nichols pointed out that the decision the Board made last week in regards to the Fire Station bid is clearly inconsistent with our current purchasing ordinance and he provided some specific examples, why, which are all in chapter 718 of the ordinance, which he read. He does not think that the decision that was made last week does not fall under those examples. He thinks he has raised an issue that may need to be addressed in regards to the vote taken last week. This is a Selectmen established policy so the Board does have the right to change the policy. Mr. Moore stated he is comfortable with the decision the Board made last week and that the language needs to be modified the language in the purchasing policy to allow the Selectmen in a public meeting to take exception to the policy for a solid justification for awards period. Mr. Nichols thinks there is a clear statement that the items must go out to bid. Mr. Nichols thinks that there would need to be some clear criteria for the Selectmen as to when they would forego the competitive process. Mr. Bean wonders how Mr. Nichols assertions tonight would have impacted a fully public discussion and the decision made by the Board last week with Chief Silver. Mr. Nichols stated if he had known that that last week he would have brought it up. Mr. Bean clarified his question to Mr. Nichols with your assertion tonight on purchasing procedures had they been in place or more stringent according to you assertions tonight, how would that, if at all, changed our full public discussion and the professional advice of Chief Silver with the vote of 3-2. Mr. Nichols said that in order to have done it right they would have had to first change the policy right there on the spot prior to making that decision. Mr. Moore stated he had not read the policy but he feels they did everything with full transparency. Mr. Nichols stated he got a call from someone who said the decision was illegal that is why it was brought up. Mr. Bean is surprised this is becoming an issue now especially since the Chief was here 2 weeks prior to that meeting with the request and was asked to come back after 2 weeks and now a month later it is becoming an issue. Mr. Nichols stated it is became an issue, since it was brought to his attention that the vote taken last week did not follow the policy and therefore he read the policy and brought the information to the Board. Mr. Nichols thinks that if we are going to make decisions like that going forward we need to change the policy and if the policy were changed then he would not see any reason to go back to the decision made last week. Mr. Nichols thinks this is an experience they can learn from. Mr. Bean complimented Mr. Nichols on the due diligence he does on these matters.

Mr. Bean brought up the Building Committee and is still waiting for more feedback on this from Mr. Welch or Mr. Nichols. Mr. Nichols commented that he has gone back, reviewed what happened back in 2009, and at the time the Fire Chief was looking for an advisory committee and that is when they started a discussion on the Building Committee but ended up with the Advisory Committee the Chief had requested. Mr. Moore is not very clear on the need of this committee.

Other Old Business

Mr. Pierce brought up the pins for the employees years of service and the possibility of something else since no one wears pins anymore, maybe we should come up with some better ideas one possibility being gift cards.

VIII. New Business

Mr. Pierce received a complaint on recycling bins not being put out at North Beach. Mr. Nichols stated that the State has been putting trash and recycling barrels at each staircase. Mr. Welch has asked the State what they are doing and he has not received an answer. He will take a cruise up to North Beach and check for recycling bins. There was a discussion on whether or not the State has a contract with Waste Management and that is something that Mr. Welch has not been able to get an answer on yet.

Mr. Pierce brought up the IT committee and it is still part of the Selectmen's goals.

Mr. Moore brought up the lack of communication between the Town and DRED and he wonders if this is new. Mr. Welch shared that it is a slow downward slope and has to do with all the new personnel including management changes. He is not saying that they are not good employees but it is a change. Mr. Nichols shared that there are four levels of management when you come down from DRED to the Town level.

Chairman Griffin would like to know if the Board would like to discuss the meeting that was canceled last week. Mr. Bean stated that HBAC was supposed to meet with a certain cast of noble public servants and philanthropic community minded individuals, we looked at the source documentation for their authority and vetted it through legal and it was decided that was probably not a good idea and that is where we stand with that. Unless someone from the HBAC wants to come forward and reassert something different, we should let sleeping dogs lie.

Mr. Welch thinks that is a good interpretation but if someone is attempting a request for another meeting so the Board needs to decide that if they wish to participate in that type of meeting and if so, do they wish to do so in this a public format or do they form a committee and then go to Concord to meet. Mr. Welch needs guidance from the Board on whether or not they wish to have such a meeting.

Chairman Griffin stated that in the beginning there were to be three MOU's: one for the Town; one for the Precinct; and one for the Chamber of Commerce. Mr. Welch stated the MOU was only with DRED. Chairman Griffin thinks it should be a public meeting. Mr. Pierce agrees it should be a public meeting and the whole Board should be involved.

Mr. Bean brought up the letter from the Atty. stating how the Attorney believed that there is no legal basis in the crafting the MOU by and to be lead by the HBAC, it is flawed with problems. Mr. Moore suspects that if we wish it to be a public meeting we will increase the times since 1955 that it was last discussed. The BOS makes the final decision on whether a meeting will occur.

Mr. Pierce wonders if they can have a non-public in regards to an MOU with DOT, it was determined that it cannot be done in a non-public meeting. Mr. Nichols thinks that there are a few things that they need to get involved and he would suggest having Mr. Bean as the representative and himself as a backup.

Chairman Griffin had suggested either Mr. Bean or Mr. Moore. Mr. Bean pointed out that we are talking about a State employee who is not even a resident of the seacoast. Chairman Griffin brought up a meeting where members were being encouraged to vote in a certain matter. Mr. Nichols stated the whole purpose of the HBAC was to bring together different organizations so that the Town and other stakeholders get together. Mr. Nichols believes that the HBAC should be involved as an advisory role.

Mr. Welch thinks that it boils down to the Selectmen representing the taxpayers of the community and making the decisions within their scope. Mr. Moore wonders if the Board wants to see an agenda before the Board sends representatives from this Board to those meetings and he expressed the reasons behind this. Mr. Welch will pass the information on and it was agreed that any future meeting would require an agenda so the Board knows what will be discussed. Mr. Bean brought up the Beach Area Master Plan and the annual report of the HBAC and the comments made in regards to working together to reach goals. Mr. Moore clarified that Mr. Bean does not want a meeting unless it is public and Mr. Bean agreed nor does he want someone who is not even a resident of Hampton being able to call a meeting in this community. Mr. Moore wants to know what will be discussed. Mr. Welch stated it would be sidewalks, crosswalks, lights, commonalities of interest for the Town and State. Mr. Pierce stated there is always the possibility that if we work with them they might work with us. The Board agreed it should be a public meeting with an agenda.

IX. Consent Agenda

1. Entertainment License – Ron’s Landing 379 Ocean Blvd
2. One-Day Entertainment License “Elwell & Condon” Wedding on 05/05/12 815 Lafayette Rd, Best Western Inn
3. ~~2011 Property Tax Abatements (35 properties) – List in agenda file~~
4. 10-12 H Street – Termination of Land Lease
5. 10-12 H Street – New Land Lease – 20-yr Land Lease

Chairman Griffin reminded everyone that number 3 was approved under Appointments.

Mr. Pierce MOTIONED to Move the consent Agenda with the exception of item #3. Chairman Griffin SECONDED.

VOTE: 5-0-0

X. Closing Comments - None

XI. Adjournment

Mr. Nichols MOTIONED to adjourn the public meeting. Mr. Moore SECONDED.

VOTE: 5-0-0

Chairman